

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 6-16-03

139

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Final Plat #03-18 by Badger Development LLC to be known as Circle Drive Business Center Sixth		PREPARED BY: Brent Svenby, Planner

June 11, 2003

Planning Department Review:

See attached staff report dated June 11, 2003 recommending approval subject to the following modifications/conditions:

1. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 5, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
2. *Construction of a 5 foot wide concrete sidewalk is required along the entire frontages of Superior Dr. NW, and 28th St. NW, as well as a 10 foot wide bituminous pedestrian path along the entire frontage of West Circle Drive.*
3. *Storm water management must be provided. A Storm Water Management fee will be applicable at the time of individual lot development, if on-site detention is not provided.*

Council Action Needed:

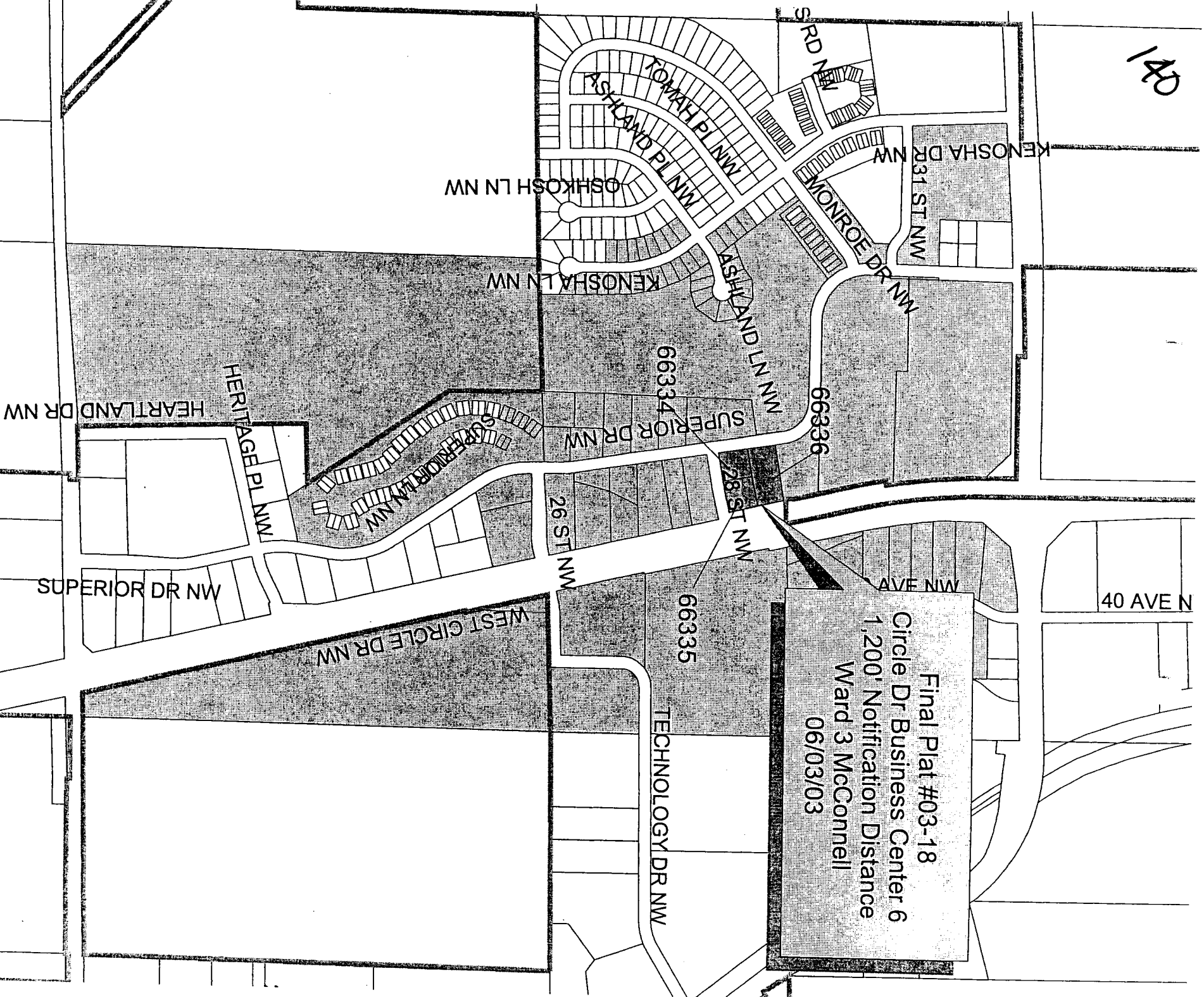
1. *A resolution approving the plat can be adopted.*

Distribution:

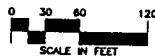
1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, June 16, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

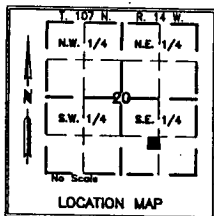
18



Final Plat #03-18
Circle Dr Business Center 6
1,200' Notification Distance
Ward 3 McConnell
06/03/03



CIRCLE DRIVE BUSINESS CENTER SIXTH



MONUMENTS

- Set 1/2" Rebars
- Set 3/4" Iron Pipes
- Found Monuments (Pipe, Rod, Etc.)

All monuments set have a plastic cap stamped L.S. 22422.

BEARINGS

Plot bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north. (NAD83)

CURVE DATA				
CURVE	LENGTH	DELTA	RADIUS	CHORD
B	63.28	63°44'37"	987.00	63.27
A	65.44	63°44'57"	1000.00	65.42

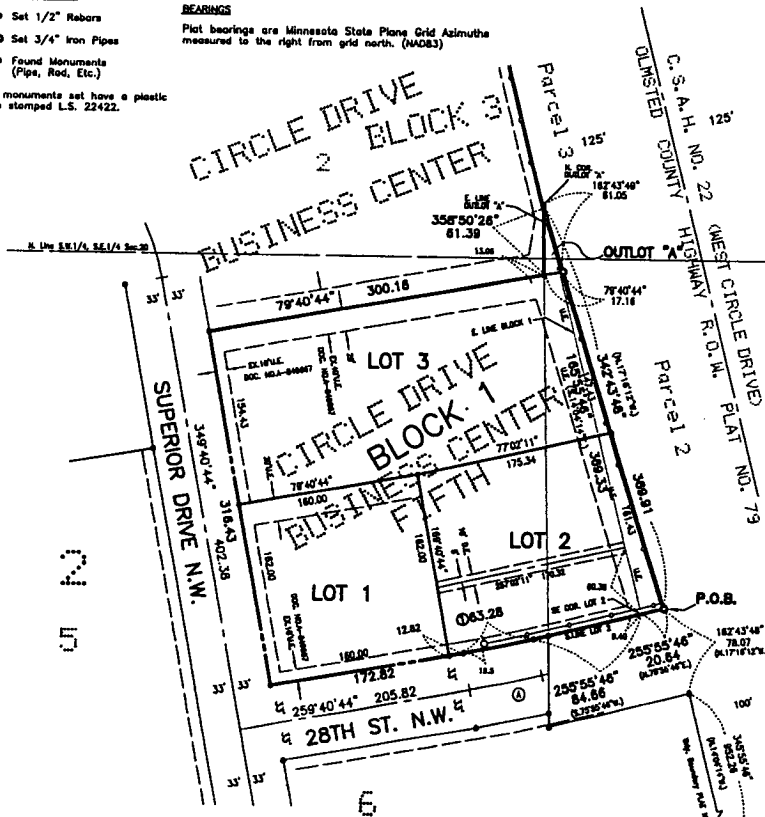
UTILITY EASEMENT DEFINED

An unobstructed easement for the construction and maintenance of all necessary overhead, underground or surface public utilities, including rights to conduct drainage and running on said easement.

CONTROLLED ACCESS DEFINED

Ingress and egress to, from or across the abutting roadway is restricted by the road authority pursuant to Minnesota State Statute 160.08.

→ CONTROLLED ACCESS U.E. = UTILITY EASEMENT



INSTRUMENT OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That Badger Development LLC, a Minnesota Limited Liability Company, mortgagee, and Wells Fargo Bank Minnesota, N.A. formerly known as Norwest Bank Minnesota South, N.A., mortgagee, and Richard E. Badger Revocable Trust, mortgagee, all being owners and proprietors of the following described property, situated in the County of Olmsted, State of Minnesota, to wit:

Lot 1, 2 and 3, Block 1, CIRCLE DRIVE BUSINESS CENTER FIFTH, according to the plat thereof on file at the County Recorder's Office, Olmsted County, Minnesota.

AND a part of Parcel 2 and 3 of OLMDST COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 79, Olmsted County, Minnesota, recorded in the office of the Olmsted County Recorder as Document No. 845748 described as follows:

Commencing at the most southerly southwest corner of said PLAT NO. 79; thence North 14 degrees 04 minutes 14 seconds West (for the purpose of this description, the bearing system is the same as that of said PLAT NO. 79) 552.28 feet along the westerly boundary of said PLAT NO. 79; thence North 17 degrees 18 minutes 12 seconds West 78.07 feet to the point of beginning; thence North 17 degrees 18 minutes 12 seconds West 369.91 feet to the north corner of Outlot 'A' of CIRCLE DRIVE BUSINESS CENTER FIFTH, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence South 14 degrees 04 minutes 14 seconds East along the east line of said Outlot 'A' and the east line of Block 1 of said CIRCLE DRIVE BUSINESS CENTER FIFTH 369.33 feet to the southeast corner of Lot 2 of said Block 1; thence North 75 degrees 55 minutes 46 seconds East along the Easterly extension of the south line of said Lot 2, a distance of 20.64 feet to the point of beginning.

Said parcel contains 0.08 acres more or less.

Have caused the same to be surveyed and plotted as CIRCLE DRIVE BUSINESS CENTER SIXTH and do hereby donate and dedicate to the public for public use forever the easements, as shown on this plat for utility purposes only.

In witness whereof said Badger Development, LLC, a Minnesota Limited Liability Company, has caused these presents to be signed by its proper officers this ____ day of ____, 20__.

J.M. Hamilton,
General Partner

STATE OF MINNESOTA
COUNTY OF OLMDST

The foregoing instrument was acknowledged before me this ____ day of ____, 20__ by J.M. Hamilton, General Partner, Badger Development, LLC, a Minnesota Limited Liability Company, on behalf of the Company.

Notary Public, Olmsted County, MN
My Commission Expires ____

In witness whereof said Wells Fargo Bank Minnesota, N.A. formerly known as Norwest Bank Minnesota South, N.A. has caused these presents to be signed by its proper officer this ____ day of ____, 20__.

David C. Wittenberg
Vice President

STATE OF MINNESOTA
COUNTY OF OLMDST

The foregoing instrument was acknowledged before me this ____ day of ____, 20__ by David C. Wittenberg, Vice President of Wells Fargo Bank Minnesota, N.A. formerly known as Norwest Bank Minnesota South, N.A., a national association, on behalf of the association.

Notary Public, Olmsted County, MN
My Commission Expires ____

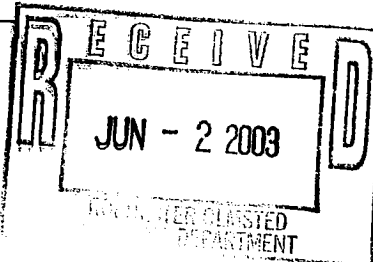
In witness whereof said Richard E. Badger Revocable Trust, Richard E. Badger, Trustee, has caused these presents to be signed this ____ day of ____, 20__.

Richard E. Badger, Trustee

STATE OF MINNESOTA
COUNTY OF OLMDST

The foregoing instrument was acknowledged before me this ____ day of ____, 20__ by Richard E. Badger, Trustee of the Richard E. Badger Revocable Trust.

Notary Public, Olmsted County, MN
My Commission Expires ____



CITY APPROVAL
STATE OF MINNESOTA
COUNTY OF OLMDST
CITY OF ROCHESTER

I, Judy K. Scherr, City Clerk, in and for the City of Rochester, do hereby certify that on the ____ day of ____, 20__, the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony whereof, I have hereunto signed my name and affixed the Seal of said City of Rochester this ____ day of ____, 20__.

Judy K. Scherr
City Clerk
City of Rochester

SURVEYOR'S CERTIFICATE

I do hereby certify that I have surveyed and plotted the property described on this plat as CIRCLE DRIVE BUSINESS CENTER SIXTH; that this plat is a correct representation of said survey; that all distances are correctly shown on said plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground by May 1, 2004; that the outside boundary lines are correctly designated; and that there are no wetlands as defined in US 505.02, Subd. 1, or public highways to be designated on said plot other than as shown.

Douglas C. Rude
Minnesota L.S. No. 22422

STATE OF MINNESOTA
COUNTY OF OLMDST

The foregoing Surveyor's Certificate was acknowledged before me this ____ day of ____, 20__, by Douglas C. Rude, L.S. No. 22422.

Notary Public, Olmsted County, MN
My Commission Expires ____

COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to applicable plotting laws.

This ____ day of ____, 20__.

Edward F. Kozak
Olmsted County Surveyor

COUNTY PROPERTY RECORDS AND LICENSING

Taxes payable in the year 20__ on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this ____ day of ____, 20__.

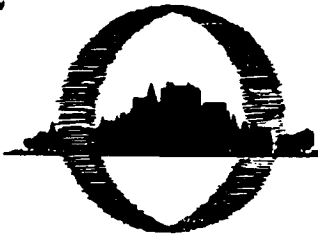
Document Number ____

I hereby certify that this instrument was filed in the Office of the County Recorder for the record on this ____ day of ____, 20__, at ____ o'clock ____ m. and was duly recorded in Olmsted County Records.

Olmsted County Director of
Property Records and Licensing
By ____ Deputy

14

142

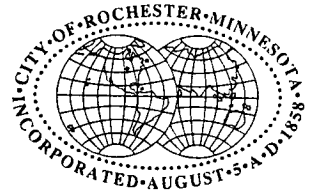


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Brent Svenby, Planner

DATE: June 11, 2003

RE: Final Plat #03-18 to be known as Circle Drive Business Center Sixth by Badger Development LLC. The Applicant is proposing to re-subdivide Lots 1, 2, and 3, Block 1 Circle Drive Business Center Fifth into 3 lots for development. The property is located along the west side of West Circle Drive, north of 28th Street NW and east of Superior Drive NW.

Planning Department Review:

Applicant/Owner:

Badger Development LLC
Riverside Building, Suite 100
400 South Broadway
Rochester, MN 55904

Surveyors/Engineers:

Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Referral Comments:

1. Rochester Public Works Department
2. RPU – Water Division
3. RPU – Operations Division
4. Rochester Fire Department
5. MnDOT
6. Planning Dept. Wetlands
7. Planning Dept. GIS/Addressing

Report Attachments:

1. Referral Comments (2 Letters)
2. Copy of Final Plat
3. Location Map

Plat Data:

Location of Property:

This plat is located along the west side of West Circle Drive, along the north side of 28th St. NW and along the east side of Superior Dr NW.

Zoning:

The property is zoned M-1 (Mixed Commercial-Industrial) district on the City of Rochester Zoning Map. However the small piece of property being added to the lots is zoned R-1.



143

Proposed Development:	This proposal is to re-subdivide Lots 1, 2, and 3, Block 1 Circle Drive Business Center Fifth into 3 lots for development. The property is being replatted to add some land that was owned by Olmsted County and was right-of-way for West Circle Drive.
Roadways:	There are no new roadways being dedicated with this plat.
Pedestrian Facilities:	Construction of a 5-foot wide concrete sidewalk is required along the entire frontages of Superior Drive NW and 28 th Street NW as well as a 10-foot wide bituminous pedestrian path along the entire frontage of West Circle Drive.
Wetlands:	Minnesota Statutes now require that all developments be reviewed for the presence of wetlands or hydric soils. The Soils Survey does not indicate hydric soils within this Plat.
Drainage:	Initial grading was previously approved. Detailed grading and storm water management requirements will be reviewed further at the time of individual lot development.
Public Utilities:	<p>The utilities to serve this area have been installed.</p> <p>A City-Owner Contract was previously executed for basic construction in Circle Drive Business Center. Any additional public watermain or hydrant additions required for individual lot development will require the execution of a separate City-owner Contract prior to installation of any needed public utilities.</p>
Spillover Parking:	Parking requirements for this property will be reviewed at the time specific development is proposed.
Parkland Dedication:	No parkland dedication is required for this plat.
General Development Plan:	This property is part of the Badger Ridge General Development Plan.

Planning Staff Review and Recommendation:

The Planning Staff has reviewed the submitted final plat and would recommend approval subject to the following modifications/conditions:

1. ***A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the June 5, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.***

2. ***Construction of a 5 foot wide concrete sidewalk is required along the entire frontages of Superior Dr. NW, and 28th St. NW, as well as a 10 foot wide bituminous pedestrian path along the entire frontage of West Circle Drive.***
3. ***Storm water management must be provided. A Storm Water Management fee will be applicable at the time of individual lot development, if on-site detention is not provided.***

NOTE: Charges/fees applicable to the development of this property have been addressed in the previous City-Owner Contract for Circle Drive Business Center, with the exception of Storm Water Management.

ROCHESTER

— Minnesota —

145

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

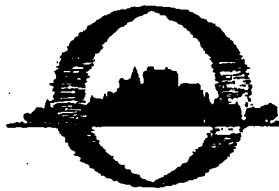
DATE: 6/10/03

The Department of Public Works has reviewed the application for the Final Plat #03-18, on the Circle Drive Business Center Sixth property. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this property.
2. A City / Owner Contract was previously executed for basic construction in Circle Drive Business Center. Any additional public watermain or hydrant additions required for individual lot development will require the execution of a separate City-Owner Contract prior to installation of any needed public utilities.
3. Construction of 5 foot wide concrete sidewalk is required along the entire frontages of Superior Dr NW, and 28th St NW, as well as a 10 foot wide bituminous pedestrian path along the entire frontage of West Circle Drive.

Charges and fees applicable to the development have been addressed in the previous City-Owner Contract for Circle Drive Business Center, with the exception of Storm Water Management.

146



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: June 5, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald, Wade Dumond
and Badger Development LLC

RE: CIRCLE DRIVE BUSINESS CENTER SIXTH

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

GIS IMPACT FEE: \$215.00 (3 LOTS/OUTLOTS)

E911 ADDRESSING FEE: \$60.00 (3 LOTS/ADDRESSES)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the **final plat** has turned up the following **ADDRESS** or **ROADWAY** related issues:

1. Upon review of **CIRCLE DRIVE BUSINESS CENTER SIXTH** the GIS / Addressing staff has found no issues to bring forth at this time.